U.S. GOVERNMENT AFGHAN EMPLOYEES COMMITTEE (USGAEC) KABUL CONSTITUTION AND BY-LAWS

The U.S. Mission in Kabul, Afghanistan, out of its belief that good management principles require open communications between management and Locally Employed Staff (LES), has encouraged the formation of an LES committee comprised of representatives from all agencies/sections at post for the purpose of establishing an effective means of regular meaningful consultation on a wide range of matters related to LES general concerns. Mission management is interested in LES opinions on any concerns and will explain management policies to LES employees, through this committee, so as to gain support and/or understanding of these policies. USGAEC recognizes that management encourages open discussion regarding all conditions of employment between LES and management officials; however, these discussions do not affect the U.S. government's authority to establish personnel policies governing posts classification, compensation, contracting, hiring, termination, discipline, promotion, reassignment or other conditions of employment. USGAEC recognizes that the employee organization is not a union and will not be recognized as a bargaining unit on behalf of US Embassy Kabul employee.

ARTICLE I:

Definitions: In these articles, unless there is anything repugnant in the subject or context:

- (I) "Committee" means (USAGAEC) represented by the Executive Committee.
- (II) "Member" means a person whose name appears as an employee on the regular payroll of the Mission.

The interpretation of these Articles shall vest with the Executive Committee, whose decision shall be final, unless the decision is altered or revised at a General Body Meeting.

ARTICLE II:

Name: The name of the Committee shall be the United States Government Afghan Local Employees' Committee (USGAEC), Kabul.

ARTICLE III:

Objectives: The objectives of the Committee are to promote the welfare of its members and their social, cultural, and recreational activities through mutual cooperation, for example:

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- (a) To receive and develop views on matters of interest to the members, and to represent the same to the Management;
- (b) To foster the growth of Employee-Management cooperation and relationship;
- (c) To establish and develop effective channels for soliciting views and reactions of its members, particularly in regard to the terms and conditions of their service, (reduction in force RIF policies, and their future rehabilitations, etc.) and in all matters connected therewith and ancillary thereto, and to convey and discuss the same with the Management.
- (d) To strengthen the employee grievance mechanism;
- (e) To stimulate, organize and strengthen sports, social, cultural and recreational activities amongst its members;
- (f) To organize and arrange seminars and workshops on matters of mutual interest;
- (g) To do all such other things and perform all other acts as may be, or deem to be, necessary or proper, incidental or conducive to the achievements of any or all of the above objects.

ARTICLE IV:

Area of Operation: The area of operation of this Committee shall be at US Embassy, Kabul.

ARTICLE V:

Membership: Any Afghan who is a regular employee of the United States Government is entitled to become a member of this Committee by executing a membership form and filing in the office of the Committee. USGAEC recognizes that any payment of membership dues, if ever instituted, must be on a voluntary basis. Employees can be a member of the association without payment of dues.

ARTICLE VI:

Cessation of Membership: On the day a member ceases to be a payroll employee of the U.S. Government, he ceases to be a member of the Committee. However, this does not disqualify a member from utilizing the services of the Committee should this be deemed necessary by the Executive Committee.

ARTICLE VII:

General Body: The supreme authority of the Committee shall vest in the General Body of members. It shall maintain general supervision and control over the activities of the Committee.

ARTICLE VIII:

Annual General Body Meeting:

- (1) The Annual General Body Meeting of the Committee shall be held at least twice during a calendar year.
- (2) The Head of Committee shall give at least 7 days notice for convening a bi-quarterly General Body Meeting. Such notice will be accompanied by the Agenda for the meeting and shall be deemed to have been given if the same is placed on the notice board, accessible to the employees of the Agencies.
- (3) The following business shall be transacted in each General Body Meeting:
 - (a) Submission of the Activity Report of the preceding year from the committee, duly approved by the Executive Committee.
 - (b) Election of the new Executive Committee in the second meeting each year.
 - (c) Any other business with the permission of the Head of the Executive Committee.
- (3) Extraordinary General Body Meeting shall be held if:
 - (a) Summoned by the Head of Committee,

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(c) 1/4 members make a written request to that effect together with a statement of the objective of the meeting. In that case the meeting shall take pace within three weeks from the receipt of the written demand.

ARTICLE IX:

Amendment in Articles: Amendments to the Articles shall be made by the Executive Committee subject to approval by 2/3 members of the Executive Committee. The approval of the members can be obtained through a circular.

ARTICLE X:

Head of the Committee: The Head, who shall also be the Chief Executive of the Committee, shall preside over all the meetings of the Executive Committee and the General Body Meeting. In the absence of the Head, the Deputy Head shall preside over such meetings.

ARTICLE XI:

Executive Committee:

(1) The business of the Committee shall be carried on and managed by the Executive Committee. Subject to any other. Provision of these Articles, it

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shall have all such powers and authority which is not specifically taken away by the General Body.

(2) The Executive Committee shall consist of ten elected members for a term of one year. The Executive Committee shall consist of one representative each from the designated constituencies, which represent all U.S. government agencies. The current division is as TAB A.

The committee and its members will make every effort to have a broad representation (newer + older; low, middle, and higher rank; male and female).

At least one month prior to scheduled elections; the committee will obtain a current listing of LES to review the division of constituencies. If an adjustment is recommended by the committee, this should first be discussed with the HRO, and will require a 2/3 majority vote to amend the constituencies.

(3) Elections for the Executive Committee shall be held in mid December of each year for coming year. The Executive Committee will automatically stand dissolved on December 31 every year and shall not retain powers in any respect.

The Election Office, consisting of two Executive Committee members, will announce the election schedule in the middle of December; if same are objected to, a General Body Meeting, arriving at a majority consensus, would be the sole arbiter in the matter.

- (4) Election shall be held by secret ballot. The voting shall take place on the day of the Annual General Body Meeting (Mid December) between 0900 1500 hours. The Election Officer shall issue a ballot paper to every member of the Committee who presents him/herself for voting at the appointed time and place. The voter shall secretly mark the ballot paper and deposit it in the box placed before the Election Officer.
- (5) After the expiry of the time fixed for polling, the Election Officer shall count the votes and announce the results at the Annual General Body Meeting.
- (6) In case the number of nominations finalized is equal to the prescribed number of seats, the nominees shall be declared elected unopposed and no polling shall take place. If the number of nominations finalized, or persons elected, falls short of the prescribed number of seats, the deficiency shall be made up with members co-opted, with the employees' concurrence, at a Joint Meeting of the Outgoing Executive Committee and the Newly-elected members. The Joint Meeting shall be called by the Outgoing Secretary and shall be held within three days of the Annual General Body Meeting.
- (7) No person shall be eligible to serve as a member of the Executive Committee for more than two consecutive terms. No member of the Human Resources or Financial Management Office may stand as Executive Member.
- (8) Remaining members of the Executive Committee from amongst the members shall fill Midterm vacancies of the office bearers.
- (9) Head of Committee, Deputy head and Secretary of Committee will be replaced by members of the Executive Committee and in case if any members of the Executive

Committee can not participate due to logical issue he/she can introduce some one else form the same sections which he/she represents for Meetings of Executive Committee.

- (10) The members of the Executive Committee shall choose from amongst themselves a Head, a Deputy Head, and a Secretary for a period of one year.
- (11) The Executive Committee shall have all the powers of the General Body and shall take all decisions during the time of its tenure on all matters falling within the scope of the objects of the Committee.
- (12) The meeting of the Executive committee shall be held at least once in a month. The Secretary of the Committee shall have the authority to hold emergency meetings at any time to discuss urgent matters.
- (13) If an Executive Committee member fails to attend 3 consecutive meetings without a valid reason, he/she may be debarred from the Executive Committee.
- (14) The Executive Committee shall be empowered to appoint Sub-Committees for specific projects consisting of members of the Committee and members of the Executive Committee.
- (15) The Sub-Committees will be responsible to the Executive Committee only.
- (16) The Executive Committee shall have power and authority to decide the matter of the Committee's affiliation and/or cooperation, the manner, extent, and scope of such cooperation with the U.S. Government Afghan Employees' Committee (USGAEC) at Kabul.

ARTICLE XII:

Quorum of Meetings:

- (1) The quorum for the General Body Meeting shall be more than one half (50%) of the membership. An adjourned meeting will have no quorum restrictions.
- (2) The quorum for the Executive Committee meetings shall be at least 2/3 of the membership.
- (3) The Committee shall have a quarterly meeting with Management Office, bi quarterly meeting with DCM and annul meeting with AMB, as required.

Drafted by: USGAEC

Cleared by: Jeanine Jackson, Admin Counselor and

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